

## Annual Leave Policy

### 1 General

#### 1.1 Scope

1.1.1 This Policy applies to all employees covered by the terms and conditions of service of the National Joint Council (NJC) for Local Government Services (otherwise known as the “Green Book”).

#### 1.2 The leave year

1.2.1 The leave year runs from 1 April to 31 March. Employees are required to take their full entitlement during that period and must make every effort to do so.

#### 1.3 The arrangements for taking leave

1.3.1 Employees wishing to take leave must always obtain the approval of their supervisor /manager **before** taking such leave. Such requests for leave must be made as far in advance as practicable in order to enable managers to make the necessary arrangements to ensure adequate staffing levels in the service.

1.3.2 When considering requests for leave, managers will have regard to service needs, work demands and other agreed absences. Managers will make every effort to accommodate the wishes of staff fairly and transparently and as far in advance as practicable.

1.3.3 Employees taking leave without prior authorisation from their supervisor/manager will render themselves liable to disciplinary action including the possibility of dismissal. Such unauthorised absence will result in the employee losing pay for the period in question.

### 2 Annual Leave

#### 2.1 Definitions

2.1.1 **Contractual leave entitlement** means basic annual leave entitlement plus extra-statutory days plus bank/public holidays plus concessionary days.

2.1.2 **Statutory leave entitlement** means 5.6 calendar weeks i.e. 28 days (pro rata for part-time employees). Paid leave taken on extra-statutory days or any bank/public holidays will go towards discharging the Council’s liability to grant 5.6 calendar weeks statutory leave per year under the Working Time Regulations 1998. This is the minimum entitlement for employees.

2.1.3 The statutory leave entitlement will not be in addition to the employee’s contractual leave entitlement but the employee can take advantage of whichever right is more favourable.

## 2.2 Basic entitlement for permanent full-time employees

2.2.1 The basic leave entitlement in a full year of service differs according to the grade of the employee's post and the length of recognised continuous service. The basic annual leave entitlement for full-time employees is shown in the table below:

| Grade                      | Basic Entitlement in days<br>(under 5 years' service) | Basic Entitlement in days<br>(5 years' service or more) |
|----------------------------|---|---|
| Scale 1 – 6 inclusive      | 22<br>Wef 1 April 2020                                | 25  |
| Scale SO1/2 – M8 inclusive | 23  | 25  |
| Scale M7 or above          | 26  | 28  |

Note: The figures in the table above do not include the extra-statutory leave entitlement (see section 3 below).

## 2.3 Basic entitlement for permanent part-time employees including job-sharing employees

2.3.1 The basic annual leave entitlement for part-time employees will be in proportion to the number of contractual hours worked in a normal week compared with that of a comparable full-time employee.

## 2.4 Basic entitlement for temporary employees including those employed on fixed-term contracts

2.4.1 Temporary employees are entitled to a basic annual leave entitlement equivalent to that of comparable permanent employees except where the contract, or a part of it, commences and/or terminates part-way through the leave year. In these circumstances, the basic leave entitlement will be awarded on a pro rata basis according to the number of **completed** months service in the leave year.

2.4.2 Where the temporary employee works part-time, the entitlement to annual leave will also be proportional to the number of hours worked in a normal working week compared with a comparable full-time employee.

## 2.5 Qualification for long service leave

2.5.1 To qualify for the enhanced rate of annual leave, employees must have completed five years' continuous service under one or more local authorities or other public bodies to which The Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 applies.

2.5.2 The enhanced rate of annual leave will apply from the date on which the employee completes five years' continuous service. In cases where the fifth anniversary of appointment falls part-way through the leave year, the employee will be entitled to a proportion of the full year's enhanced entitlement calculated on the basis of the number of complete months remaining in the leave year. The additional annual leave will be expressed in whole days (rounded down where the calculation produces a fraction).

## 2.6 Accrual of annual leave entitlement

2.6.1 Employees accrue entitlement to annual leave as they accrue continuous service. Entitlement to annual leave continues to accrue even during periods when the employee is not receiving pay e.g. during the unpaid period of maternity leave, adoption or parental leave, or when entitlement to occupational sick pay has been exhausted etc. These examples are illustrative only and should not be regarded as exclusive or exhaustive.

2.6.2 However, where an employee has been granted unpaid leave to enable the individual to travel, undertake a sabbatical etc. he/she will be entitled to accrue **statutory leave only** during the period of absence. These examples are illustrative only and should not be regarded as exclusive or exhaustive.

## 2.7 Payment during annual leave

2.7.1 An employee will be paid his/her normal pay for all authorised absence on annual leave. This means that if he/she receives contractual payments for working arrangements other than normal office hours, he/she would be entitled to such payments during such leave.

## 2.8 Sickness during annual leave

2.8.1 In the event of an employee becoming sick whilst on annual leave, the absence will be regarded as sick leave if the employee completes a self-certification form (up to and including the first seven consecutive days of absence) or provides a medical certificate where required. In these circumstances, the employee will be credited with the annual leave they have been unable to take because they were unwell.

## 2.9 Carry over of annual leave from one leave year to the next

2.9.1 Employees are expected to schedule their taking of annual leave throughout the leave year and to have taken their full entitlement by 31 March.

### Statutory leave element

2.9.2 The Working Time Regulations 1998 require that the statutory element of an employee's leave entitlement (*i.e. 28 days for a full-time employee; pro rata for a part-time employee*) must be taken in the year to which it relates. This means that statutory leave cannot, under any circumstances, be carried forward to the following leave year.

2.9.3 Employees are not entitled to receive a payment in lieu of any statutory leave which has not been taken by the end of the leave year to which it relates.

### **Contractual leave element**

2.9.4 Where it has not been possible, due to extenuating circumstances (e.g. work demands) for an employee to take their full annual leave entitlement before the end of the leave year, an employee may formally request to carry forward up to a maximum of 5 days (pro rata for part-time employees) of his/her **contractual leave** entitlement to the next leave year.

2.9.5 Any annual leave in excess of 5 days (pro rata for part-time employees) which is outstanding at the end of the leave year will automatically be lost, with the exception of employees who have been absent due to maternity leave. Please refer to guidance notes for employees who have been absent due to sickness or a period of maternity or unpaid leave.

2.9.6 The carry forward of annual leave is not an automatic entitlement but requires the express permission of the employee's supervisor/manager. It will only be granted where the carry over of leave can be accommodated within the needs of the service and will not have a detrimental effect on service delivery.

2.9.7 In cases where leave is carried forward, such leave must be taken by 31 May of the following leave year. Any leave which has been carried forward and remains outstanding by the 31 May deadline will automatically be lost.

### **2.10 Employees commencing or ceasing employment during the leave year**

2.10.1 Employees starting or leaving the Council's employment during the leave year will be entitled to leave proportional to the number of completed months service with the Council (see guidance notes) during that leave year (rounded up to the nearest whole day).

### **Employees commencing employment**

2.10.2 Employees transferring from another local authority or other recognised public body to which The Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 applies will **not** be permitted to transfer to Brighton & Hove City Council any leave entitlement which may be outstanding at the time their employment ceased with their former authority.

### **Employees leaving employment**

2.10.3 Employees should take any outstanding leave to which they are entitled before their date of leaving. No payment will be made in lieu of any **contractual leave** not taken by the last day of service except in certain specific circumstances (please refer to the guidance notes).

2.10.4 However, employees who leave the Council's employment (including those dismissed for gross misconduct) will be entitled to a payment in lieu of any

**statutory leave** not taken by the date of leaving and to which they would otherwise have been entitled.

2.10.5 Employees who leave the Council having taken more than their leave entitlement will have their final pay adjusted to take account of the additional time taken.

## **2.11 Employees transferring to a different post/different number of contractual hours during the leave year**

2.11.1 In either of these circumstances it will be necessary to re-calculate the employee's leave entitlement. The employee's new leave entitlement should be calculated as a proportion of the full year's entitlement based on the number of completed months that the employee serves in the new post or works the revised hours in the leave year. Please refer to the guidance notes.

## **3 Extra-Statutory Leave**

3.1 The entitlement to extra-statutory leave is in addition to the annual leave entitlement referred to above. This leave is granted to enable employees to take leave on their own public or religious holiday. Such leave can be taken at any time during the leave year subject to the actual dates being agreed in advance by the employee's supervisor/manager.

3.2 For the purposes of this policy and for calculating an employee's entitlement, extra-statutory leave is treated as an additional element of the annual leave entitlement.

### **3.3 Entitlement for permanent full-time employees**

3.3.1 Permanent, full-time employees are entitled to 2 extra-statutory days leave per year.

### **3.4 Entitlement for permanent part-time employees including job-sharing employees**

3.4.1 Part-time employees are entitled to extra-statutory leave awarded on a pro rata basis according to the number of contractual hours worked in a normal week compared with a comparable full-time employee).

### **3.5 Entitlement for temporary employees including those employed on fixed-term contracts**

3.5.1 Temporary employees are entitled to an extra-statutory leave entitlement equivalent to that of comparable permanent employees except where the contract, or a part of it, commences and/or terminates part-way through the leave year. In these circumstances, the extra-statutory leave entitlement will be awarded on a pro rata basis according to the number of completed months service in the leave year.

3.5.2 Where the temporary employee works part-time, the entitlement to extra-statutory leave will also be proportional to the number of hours worked in a normal week compared with a comparable full-time employee.

#### **4 Bank/Public Holidays**

4.1 Entitlement to leave on Bank/public holidays is in addition to the annual leave and extra-statutory leave entitlements referred to above.

4.2 There are normally 8 Bank/public holidays in each year. These are: New Year's Day, Good Friday, Easter Monday, May Bank Holiday, Spring Bank Holiday, Late Summer Bank Holiday, Christmas Day and Boxing Day.

#### **4.3 Entitlement for permanent full-time employees**

4.3.1 Permanent, full-time employees are entitled, during each calendar year, to paid leave in respect of each of the 8 Bank/public holidays referred to above as they occur.

#### **4.4 Entitlement for permanent part-time employees including job-sharing employees**

4.4.1 Permanent, part-time employees are entitled to such leave awarded on a pro rata basis according to the number of contractual hours worked in a normal week compared with a comparable full-time employee.

#### **4.5 Entitlement for temporary employees including those employed on fixed-term contracts**

4.5.1 Temporary employees are entitled to paid leave equivalent to that of a comparable permanent employee but only in respect of those Bank/public holidays which occur during their period of employment with the Council.

4.5.2 Where the temporary employee works part-time, the entitlement to bank/public holiday leave will also be proportional to the number of hours worked in a normal week compared with a comparable full-time employee.

#### **4.6 Employees who are required to work on a Bank/public holiday**

4.6.1 Employees who are required to work on a Bank/public holiday will be paid in accordance with the provisions within the [BHCC Pay and Allowances Scheme](#) introduced from 1<sup>st</sup> October 2013.

#### **4.7 Sickness on a Bank/public holiday**

- 4.7.1 Employees who fall sick on a Bank/public holiday, irrespective of whether or not they were scheduled to work, will not be entitled to take that Bank/public holiday leave at another time.

#### **5 Christmas Concessionary Leave**

- 5.1 The entitlement to concessionary leave is in addition to the basic annual leave and extra-statutory leave referred to above. Such leave was originally granted for employees to take during the period when the Council's Offices/establishments were closed during the Christmas/New Year period.
- 5.2 The Council will notify its employees each year as to whether its Offices/establishments will close or remain open between Christmas and New Year. Employees will also be advised of the days which will be designated as concessionary days.
- 5.3 Where the Council's Offices/establishments are closed, or the Offices/establishments remain open and an employee is permitted to take leave during the entire Christmas period, the individual concerned will be required to take his/her concessionary leave entitlement together with the appropriate amount of annual leave or flexi-leave during this period.

#### **5.4 Entitlement for permanent full-time employees**

- 5.4.1 Permanent, full-time employees are entitled to 2 Christmas concessionary days leave per year.

#### **5.5 Entitlement for permanent part-time employees including job-sharing employees**

- 5.5.1 Permanent, part-time employees are entitled to such leave awarded on a pro rata basis according to the number of contractual hours worked in a normal week compared with a comparable full-time employee.

#### **5.6 Entitlement for temporary employees including those employed on fixed-term contracts**

- 5.6.1 Temporary employees will only be entitled to Christmas concessionary leave if their period of employment includes the entire Christmas period i.e. between the last working day before Christmas and the first working day after New Year's Day.
- 5.6.2 Where the temporary employee works part-time, the entitlement to concessionary leave will also be proportional to the number of hours worked in a normal week compared with a comparable full-time employee.

#### **5.7 Taking of concessionary leave**

5.7.1 Employees who are required to work during this period will be allowed to take their concessionary leave at another time (i.e. between 1 December and 31 March) by agreement with their manager. Employees who are not required to work, or their Office is closed must take their concessionary leave during the Christmas period.

## **5.8 Sickness during concessionary leave**

5.8.1 Employees who are not required to work because the Council's Offices/establishments are closed and who are sick on a concessionary day will not be entitled to take a substitute day as compensation at another time.

5.8.2 However, where the Council's Offices/establishments remain open during the Christmas/New Year period, an employee falling sick on a concessionary day will only be able to take that leave at another time (i.e. between 1 December and 31 March) so long as he/she provides the Council with a medical certificate.